

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NORTH DAKOTA

In re:	)	Case No. 23-30352
	)	(Chapter 11)
DRAIN SERVICES INC.	)	
	)	
Debtor.	)	
_____	)	

**MOTION TO EXPEDITE AND HOLD FIRST DAY HEARING**

Comes now Drain Services Inc. (“Drain Services” or the “Debtor”), by and through undersigned proposed counsel, pursuant to Local Rule 9006-1, and moves this Honorable Court to hold an expedited hearing, in consideration of the Debtor’s (i) Motion for Leave to Use Cash Collateral (DE #8); (ii) Motion for Leave to Pay Pre-Petition Employee Wages to One Person (DE #9); and (iii) Motion to Retain Existing Bank Account (DE #10) (collectively, the “First Day Motions”), and in support thereof states as follows:

The Debtor petitioned for Chapter 11 relief earlier today and, consistent with the underpinnings of a small business reorganization, has continued to provide services to the community throughout the day today. The Debtor is engaged in money-generating projects that, in turn, will produce revenues that can be used to pay creditors through an eventual plan of reorganization. But Drain Services cannot long persist in its operations as a debtor-in-possession without the relief sought in the First Day Motions.

It is customary for such matters to be heard on shortened notice. *In re Goodrich Quality Theaters, Inc.*, 616 B.R. 514, 516 (Bankr. W.D. Mich. 2020). And, as expressed in each of the underlying motions, there exists a cognizable exigency necessitating a prompt ruling, so as to enable the Debtor to operate as a debtor-in-possession in a prudent and responsible fashion.

The Local Rules of this Honorable Court permit expedited hearings. Local Rule 9006-1. Consistent with those rules, the Debtor submits as follows:

- a. The grounds of each of the First Day Motions is set forth therein;
- b. The Debtor proposes a hearing date of Thursday, October 5, 2023, at any time after 12:00 pm Central Time, or any time on Friday, October 6, 2023, for the First Day Motions;<sup>1</sup>
- c. While the Debtor is cognizant that Local Rule 9006-1 only permits hearings on “less than seven days” notice in “extraordinary circumstances,” the Debtor respectfully submits that the relief sought is “extraordinary” inasmuch as it is essential to the Debtor’s reorganizational prospects and, in turn, the ultimate recovery of creditors.
- d. The Debtor will be filing a brief declaration in support of the First Day Motions, prior to a hearing, but intends to rely on the oral testimony of its principal to support the relief sought.

Should this Honorable Court issue a notice setting the First Day Motions for hearing, the Debtor will serve the same via e-mail on all parties in interest for whom the Debtor has an e-mail address, and will file a certificate of such service.

Finally, the Debtor asks that any such hearing be held via videoconference, so as to accommodate parties in interest who may not be able to travel to this Honorable Court on shortened notice. The Debtor’s counsel is unable to travel to Fargo in the coming days, due to existing obligations in the United States Bankruptcy Court for the District of Columbia, but will ensure he is present – in person – for any final hearings that may follow on the First Day Motions.

*[Signature and Certificate of Service on Following Page]*

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<sup>1</sup> Proposed counsel for the Debtor is obligated in a separate court the morning of October 5.

Respectfully Submitted,

Dated: October 2, 2023

By: /s/ Maurice B. VerStandig  
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*Proposed Counsel for the Debtor*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 2nd day of October, 2023, a copy of the foregoing was served electronically upon filing via the ECF system.

/s/ Maurice B. VerStandig  
Maurice B. VerStandig